

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:20-CR-0094-DGK
)
XZAVIER D. RODGERS,)
)
Defendant.)

**ORDER ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION
DENYING DEFENDANT'S MOTION TO SUPPRESS**

Pending before the Court is Defendant Xzavier D. Rodgers' Motion for Suppression of Incriminating Statements, ECF No. 27, and United States Magistrate Judge Jill Morris's Report and Recommendation, ECF No. 40, recommending the Court deny the motion.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate's holding that the officers' warrantless initial search of the bedroom was justified by the protective sweep exception to the Fourth Amendment.

The Court ADOPTS the Report and Recommendation and DENIES the motion.

IT IS SO ORDERED.

Date: June 14, 2021

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT